

EXHIBIT “A”

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

2 -----X
3 KENNETH FRILANDO,

4 PLAINTIFF,

5 -----X
6 -against- Case No.:
7 NEW YORK CITY TRANSIT AUTHORITY and MANHATTAN AND BRONX
8 SURFACE OPERATING AUTHORITY,
9 DEFENDANTS.

10
11 DATE: March 21, 2019

12 TIME: 10:19 A.M.

13

14
15 DEPOSITION of the Plaintiff, KENNETH
16 FRILANDO, taken by the Defendants, pursuant to a Notice and
17 to the Federal Rules of Civil Procedure, held at the offices
18 of MTA New York City Transit, 130 Livingston Street,
19 Brooklyn, New York 11201, before Soraye McMillan, a Notary
20 Public of the State of New York.

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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
BY URGENT MAIL



K. FRILANDO

1 federal, state or city agency against any previous employer?

2 MS. KARNES: Objection to form.

3 A. No.

4 Q. Have you ever been convicted of a crime?

5 MS. KARNES: Objection to form.

6 A. No.

7 Q. Can you tell me about your educational background.

8 A. I went to preschool at St. Francis and the School
9 For the Deaf in Brooklyn. When I was older and I graduated
10 from elementary school, I went to Mill Neck school -- school
11 for the deaf on Long Island. I graduated from that school,
12 and then I went to LaGuardia Community College. But they
13 didn't have a special program at that time, so I left before
14 completing the program, and I started working with my father
15 as an electrician for about a year. And then I applied for
16 NTID, which is a college in New Jersey -- sorry -- Rochester.
17 And I went to that school -- I started around 1990, and I
18 graduated -- no, wait. Let me get my dates right. I
19 finished that school there in 1998, but I didn't find
20 employment that went along with my major. And business at
21 that time was kind of slow, so I went back to LaGuardia
22 because I heard their -- the program had improved and things
23 were better. So, I went back and enrolled in LaGuardia. So,
24 that was around '98. And I stayed in LaGuardia, and I got a
25 degree in 2003. I got an -- got an associate in computers --

K. FRILANDO

1 programming and computers. And then I went to New York
2 Technical College, and I got a bachelor's in communication
3 and design. And that, I believe, was around 2007 or 2008,
4 around January, more or less. And that was the end of my
5 education.

6 Q. What was the name of the school that you went to in
7 Long Island?

8 A. Mill Neck -- it's spelled M-I-L-L, N-E-C-K --
9 Manor, M-A-N-O-R. So, Mill Neck is the school for the deaf.
10 Again, Long Island. I can't remember the exact address or
11 where it is. I am sure that you can find it on the Web.

12 Q. Is that a high school?

13 A. It is a school that has grades from zero to high
14 school basically, so they have all grades, from preschool to
15 elementary school, middle school and high school grades.

16 When I went there, I went there during
17 middle school. And then I stayed all the way
18 through high school.

19 Q. Did you get a high school diploma from that school?

20 A. Yes.

21 Q. Where did you go for elementary?

22 A. St. Francis school.

23 Q. Was that also a school for the deaf?

24 A. Yes.

25 Q. Were there no --

K. FRILANDO

1 A. Yeah, it was -- St. Francis and Mill Neck were both
2 deaf schools.

3 Q. Does that mean there were no hearing students at
4 those schools?

5 A. Correct.

6 Q. Then the first college that you attended was
7 LaGuardia Community College?

8 A. Yes.

9 Q. Okay. Do you have any other degrees that you
10 haven't told me about?

11 MS. KARNES: Objection to form.

12 A. The associates that I told you about programming
13 systems, that has to do with computers.

14 Q. Is that from LaGuardia Community College?

15 A. Yes.

16 Q. Did you attend any technical schools?

17 A. Yes. I went to New York Technical College. New
18 York Technical is close to here, to New York Tech. It is on
19 Jay Street here in Brooklyn.

20 Q. You got a bachelor's degree there?

21 A. Yes.

22 Q. Have you attended any trade schools?

23 A. No.

24 Q. Do you have any professional licenses or
25 certifications?

K. FRILANDO

1 A. No.

2 Q. Are you currently employed?

3 A. No.

4 Q. When were you last employed?

5 A. I -- so after I worked at the eyeglass store, I
6 went back to school. That is when I went to the technical
7 college. And I had worked briefly with -- it was more of an
8 internship, so it wasn't a paid position during that time,
9 and it was about three years -- excuse me -- about three
10 internships while I was at the technical school.

11 And after I got my degree, I went into an
12 internship again, but it was about two or three months. It
13 was -- it was less than three, maybe four, months, but the
14 CEO decided to lay off -- or get rid of that position, so I
15 didn't work there anymore. And then I haven't found work
16 ever since.

17 MS. DOWNS: Can you mark this for me as

18 Exhibit A.

19 (Whereupon, documents were marked as

20 Defendant's Exhibit A for identification as of
21 this date by the Reporter.)

22 Q. Take a look at that document that has been marked
23 as Exhibit A.

24 Do you recognize that as your resume?

25 A. Yes. This is my resume.

K. FRILANDO

1 Q. What was the name of your employer?

2 A. Pearl Vision. But I worked there when I was --
3 before I was 25 years old, I worked there.

4 Q. Do you remember when exactly you worked there?
5 Could you give dates?

6 MS. KARNES: Objection to form.

7 A. Let me try to remember. I graduated from NTID in
8 '98. So, it must have been sometime around -- between 1989
9 and before 2003. But I can't remember the exact date. And,
10 unfortunately, I don't have my old resume. I tried looking
11 for it, and I can't find my old resume. Unfortunately, I
12 don't have it.

13 Q. Was that job full time or part time?

14 A. It was full time.

15 Q. What was your job title?

16 A. I was a lab technician.

17 Q. Do you recall the name of any of your supervisors?

18 A. I -- honestly, I don't remember. It was a long
19 time ago. So, it was over 25 years ago.

20 Q. Do you recall how long you worked there?

21 A. If I had to guess -- I started in the spring, and I
22 stopped working there before the fall. It wasn't a full
23 year. I would say somewhere between six to ten months. Not
24 more than ten months, but, again, I don't remember exactly.
25 I can't recall.

K. FRILANDO

1 Q. Did you work anywhere else before your position at
2 LaGuardia Community College?

3 A. Before LaGuardia? No. No, I don't think so. I
4 looked for work, but I didn't find anything. That is why I
5 continued with my education and I went back to school.

6 Q. Just to clarify my last question. You said
7 previously that you had some jobs that you didn't put on the
8 resume, because it wasn't relevant to your degree. So, I am
9 asking if you recall any other jobs besides the Pearl Vision
10 job?

11 MS. KARNES: Objection to form.

12 A. No. No, that is the only job. But before Pearl
13 Vision, I worked at another eyeglass store, but it was only
14 for an internship position. It was called David's Vision.
15 My school required me to get credits working at an
16 internship, so that is where I worked. It was at a -- a
17 co-op. So, I had to get some credits for my school, and that
18 is where I worked, as an internship position. But then after
19 I went to LaGuardia Community College -- during that time, I
20 didn't have job -- a job.

21 Q. Was that internship unpaid?

22 A. They paid me a very minimum wage, because it was
23 just to really get -- gain experience. I was very new at
24 that job. So, it was an internship with very minimum wages.

25 Q. How long did you have an internship?

K. FRILAND

1 A. I believe I started in May, and I think I finished
2 around July -- sometime between July and August. Maybe by
3 the second week of August, I went back to school in Rochester
4 for the fall.

5 Q. Can you tell me about any current source of income
6 that you have?

7 A. So, I get SSI under my mother.

8 Q. Did you say SSI under your mother?

9 A. Yes.

10 Q. Can you explain what that means.

11 A. Social Security income from the government. You
12 know, I get a monthly amount, amount every month.

13 Q. What does that have to do with your mother?

14 A. The reason being is my old SSI that I had
15 previously -- it was not related to my mother. I tried to
16 look for a job. And I was getting SSI while I was looking
17 for a job. So, if you get a job, they stop your SSI. So, it
18 was an overpayment. So, I owed money back to SSI because
19 there was an overpayment. So, my mother was supporting me,
20 defending me, talked to government regarding the situation
21 and changed, you know -- because my mother had work -- and
22 changed the name. But now my mother is now retired, but she
23 is still working part time. So -- yeah, this overpayment I
24 have to pay back. And it has actually been paid off. So,
25 this is why I have SSI under my mother's name. And once I

K. FRILANDO

1 Q. In this complaint, you are alleging that you are
2 discriminated against; is that correct?

3 A. Yes.

4 Q. Why do you believe you are discriminated against?

5 A. Because they won't provide me an interpreter for
6 the exam, you know, for the question and the choices, you
7 know. And I took -- as I said, I test with another federal
8 agency, and they provided me an accommodation. The MTA
9 should know that English is my second language; ASL is my
10 first language. They should know. And I can't hear. It is
11 different for people who can hear. They have a better
12 command of the English language, and it's harder for me
13 because I can't hear. I struggle with the English language
14 due to my hearing loss.

15 Q. When were you diagnosed with hearing loss?

16 MS. KARNES: Objection to form.

17 A. I was born deaf. I was born that way, because my
18 mom -- when she was pregnant, she got sick. She had the
19 measles, I believe, and that caused me to be born deaf from
20 the -- my mother's illness during pregnancy. I can't blame
21 her for getting sick. It is not her fault. I just have to
22 accept the fact that I was born deaf.

23 Q. Has your ability to hear remained the same since
24 birth?

25 MS. KARNES: Objection to form.

K. FRILANDO

1 A. I was born deaf, and it's pretty much the same.
2 When I was born -- about a year or two of age, I was playing
3 around, and my parents were trying to talk to me, and that is
4 when they realized I couldn't hear. And I was playing, and
5 they -- they realized I wasn't responding to sound. So, that
6 is when my mom took me over to -- seven different hospitals,
7 actually, we went to. And the doctors didn't know what was
8 wrong. They didn't know. They didn't know. They said,
9 "Well, I don't know what happened. I don't know what's going
10 on with him. I don't know why he's not responding." And
11 finally they found a doctor who, you know, clapped behind my
12 back. And obviously I didn't turn around because I couldn't
13 hear. And -- and then they said, "Oh he's deaf. He can't
14 hear." And that's when -- you know, they thought that I was
15 autistic. The other doctors thought that I had other
16 problems. But it wasn't until this last doctor finally
17 realized that I just couldn't hear. That's all. And that's
18 when they found a special school for me, a school for deaf
19 children.

20 Q. Do you have any -- any hearing?

21 A. No. Well, if something is very high, like a fire
22 bell or a gunshot or an airplane, a very, very loud, high-
23 pitched sound, I could probably hear. But like a telephone
24 ringing -- I could hear things with high pitches, but I
25 couldn't understand the voice talking on the phone. I can't

K. FRILANDO

1 understand speech sounds. You know, it's important for
2 driving. I can hear like an ambulance -- a high-pitched
3 ambulance or a horn, but I can't understand speech sounds or
4 discriminate words.

5 You know, I am not hard of hearing. I am not
6 hearing impaired. I consider myself deaf. And that is the
7 way I was born. A hundred percent deaf, and that's how I
8 identify myself.

9 Q. For the record, you do not use speech to
10 communicate; is that right?

11 A. No, I don't. I -- when I went to school, I had
12 some oral training in school as a child, but it was extremely
13 difficult and I struggled. I tried to lip read. I tried to
14 use that as a mode of communication, but it was not
15 successful. I had hearing tests so -- they would put a --
16 headphones on me and have noise, and I would raise my hand
17 when I would hear sounds, but -- again, I could only hear
18 very loud noises, very high-pitched noises, but that's and
19 nothing else, and that's why I was speaking and using that
20 mode of communication.

21 Q. Now, I notice you wearing a hearing aid. Can you
22 tell me how the hearing aid affects your ability to hear?

23 MS. KARNES: Objection to form.

24 A. I use a hearing aid because if maybe there is
25 something on the road, like a -- a car horn or a very loud

K. FRILANDO

1 are talking, I wouldn't be able to hear. If you are talking
2 by -- inside of my home, for example, and people are talking,
3 I can hear them. Again, I wouldn't be able to catch every
4 word that is being said, especially if different people are
5 talking at the same time. When -- when that happens, it is
6 actually very disruptive, so I will turn my hearing aids off.

7 It is different if I am home compared to when I am
8 outdoors. It is really difficult to hear people outside
9 because there is a lot happening. But if, let's say, we're
10 having a family gathering maybe for Thanksgiving or
11 Christmas, because it is such a close environment and
12 smaller, it is harder to understand what people are saying,
13 the overlap --

14 Q. Were you taught to read written English in school?

15 MS. KARNES: Objection to form.

16 A. Yes.

17 Q. In which schools?

18 A. At St. Francis School for the Deaf. I was learn --
19 excuse me. I was taught first grade English. I was also
20 taught math and different subjects, and it improved my level
21 of English comprehension. And when I went to the middle
22 school, I learned an advance level of reading and writing,
23 also mathematics and in high school as well. But all through
24 my schooling, I learn how to read and write. It had to do
25 with social studies, science...

K. FRILANDO

1 test taking, because, you know, the Regents is very strict.
2 The teacher was involved in prior to the test, drilling us
3 and teaching us.

4 So, let me go back for a second. The teacher gave
5 out the test but, you know, explained the questions and then
6 put the instructions into sign language. And then, you know,
7 we would -- I would think about the answer. And then I would
8 take the test, fill out the answers to the test and then
9 finished the test. And then they would be collected and
10 turned in and then sent up to the state for review. And that
11 is when you had to wait a while, a couple of weeks, to get
12 your results. And that's when they -- the supervisor let
13 everybody know, congratulations, told the teacher,
14 "Congratulations. Your class all passed the Regents test."

15 Q. To be clear, I am not asking you about practice
16 tests. I am asking about the actual Regents test.

17 Did anyone sign the written test questions to you?

18 A. Yes. Before we begun taking the test -- the day of
19 the Regents, somebody would sign the prompt. But, again,
20 during the test -- the Regents exam is very strict, so we
21 couldn't ask anybody for help or things like that.

22 Q. So, you had to read the actual test questions on
23 your own in written English?

24 A. So, I had to read it on my own, but somebody signed
25 the prompt for me.

K. FRILANDO

1 Q. And you wrote the essay on your own as well?

2 A. No, somebody had to -- somebody had to sign the
3 prompt before I went ahead and took the -- somebody signed --
4 somebody signed in sign language the prompt of the essay
5 question before I answered it.

6 Q. Did you also write the essay on your own?

7 A. Yes, I did.

8 Q. Do you know if you were given more time than
9 hearing students to take the Regents exam?

10 A. Yes, we were.

11 Q. Do you know how much more time?

12 A. I can't remember exactly. I want to say it was up
13 to an hour to two, but I don't recall exactly.

14 Q. What about in college. Were you given more time
15 than hearing students to complete exams?

16 A. Yes.

17 MS. KARNES: Objection to form.

18 Q. Do you believe that you read more slowly than a
19 hearing person with the same level of education as you?

20 MS. KARNES: Objection to form.

21 Q. Do you understand the question? I can rephrase it.

22 A. I believe so.

23 Q. If you are reading the same thing as a hearing
24 person with the same level of education as you, do you think
25 it would take you more time to read it?

K. FRILANDO

1 Q. So, if you think of ASL in terms of vocabulary,
2 vocabulary is the same size as the written English
3 vocabulary?

4 MS. KARNES: Objection to form.

5 Q. Or contains the same number of words?

6 MS. KARNES: Objection to form.

7 A. You'd be able to get the same meaning in American
8 Sign Language that you would in English. And if there isn't
9 a sign specific to that word, then the person might be able
10 to finger spell it, spelling out the word using visual
11 language, or there could be a functional translation where
12 you could explain what those -- what the words mean in a
13 visual way.

14 Q. Is it fair to say that several words in written
15 English might have the same sign in ASL?

16 MS. KARNES: Objection to form.

17 A. I believe so, yes.

18 Q. Now, in your complaint, it states that you applied
19 for three positions with Transit, and that was track worker,
20 bus operator, and train operator, is that correct?

21 A. Yes, correct. Three positions.

22 Q. How did you learn about those positions?

23 MS. KARNES: Objection to form.

24 A. On the MTA website.

25 MS. DOWNS: Can I have a few exhibits

K. FRILANDO

1 marked.

2 (Whereupon, documents were marked as
3 Defendant's Exhibit C through G for
4 identification as of this date by the
5 Reporter.)

6 Q. There are three exhibits in front of you that are
7 marked C, D, and E. Do you recognize those documents?

8 A. Yes.

9 Q. Where have you seen them before?

10 A. Yes. Yes.

11 Q. Where have you seen them?

12 MS. KARNES: Objection to form.

13 A. This one, the train operator -- I found this
14 information online. And then later, I found the information
15 about bus operator, and I applied for that one. And then
16 later on, I also found, on the same website, the track worker
17 application. So, I applied for all three of them online.

18 Q. Which one did you apply for first, if you remember?

19 A. Train operator.

20 Q. Why did you decide to apply for the train operator
21 position?

22 A. Because I needed to find work. I needed a job.

23 Q. You said you filled out an application online?

24 A. Yes.

25 Q. Okay. What happened next?

K. FRILANDO

1 A. So, after several days or about a week or so, I
2 still checked to see if there were other job openings, other
3 positions opened. So, that is when I found the other
4 positions. And, again, that is when I applied for those,
5 again, because I needed to find work.

6 Sometimes -- some positions were available that
7 required a test or exam. Some didn't. I saw some jobs
8 postings that really didn't have anything to do with my
9 hearing or my degree, so I didn't apply for those. But I did
10 apply for the bus operator. And then about -- a couple of
11 months after that, I applied for the track worker, again
12 because I -- I noticed the -- the posting and I saw that
13 there was a deadline for application. So, I applied before
14 the deadline was due.

15 Q. Did you apply --

16 A. But, to be honest, I don't remember exactly when I
17 applied. I don't remember the -- the exact date of my first
18 admission. I knew the deadline, so I applied before the
19 deadline. But I don't know the exact date.

20 Q. Did you request an accommodation for the exams for
21 any of these positions?

22 A. Yes. Well, I requested -- so they asked me for
23 proof -- a doctor's note. I believe it was a -- proof from a
24 doctor. But I went ahead and decided to add the additional
25 exam from my audiologist, which I had -- I had saved on my

K. FRILANDO

1 computer. So, I had a recent one. I filled out the
2 application. I sent a PDF with my doctor's note and the
3 audiologist exam. But I forgot the name of the person. I
4 don't know if it was an HR representative or who it was, but
5 that is the person I submitted all the information to.

6 After I didn't hear back from them, I tried to
7 follow up with an e-mail. And I didn't hear from them for a
8 while. Then I kind of gave up and started looking for other
9 positions.

10 Q. Did you apply for any other positions with Transit?

11 MS. KARNES: Objection to form.

12 A. With the same three that -- that we are referring
13 to right now. So, after these three -- after I applied for
14 these three, I didn't apply for other positions.

15 Q. Take a look at the documents marked as Exhibit F?

16 A. Oh, yes. I seen this before. Yes, my name and my
17 e-mail on these. Yes. Yes.

18 Q. Are these the e-mails you were referring to earlier
19 between yourself and HR?

20 A. Yes. That is when I explained to them that English
21 is my second language and American Sign Language is my first
22 language. And they were saying they wouldn't provide an
23 interpreter for the exam, and I was very frustrated. And we
24 went back and forth for a while, and I was very frustrated.

25 Q. And the document --

K. FRILANDO

1 A. Yeah, I -- I see it right now.

2 Q. The documents in front of you -- I think you've
3 already identified that they come from your e-mail account?

4 MS. KARNES: Objection to form.

5 A. Yes.

6 Q. Did you write those e-mails?

7 A. Yes. I --

8 MS. KARNES: Objection to form.

9 A. I mean, it wasn't -- I knew it wasn't perfect.
10 They weren't perfect, but I typed them on my own. It wasn't
11 a perfect representation of the English language, but I typed
12 them.

13 Q. Did you provide all of the e-mail correspondence
14 between yourself and Transit to your attorneys?

15 A. Yes.

16 Q. Can you turn to the page -- it's marked at the
17 bottom PLA 000029.

18 A. The last page?

19 Q. No. At the bottom. It is number 29. The bottom
20 right-hand corner.

21 A. Okay.

22 Q. Is that -- do you recognize that as the e-mail you
23 sent to Transit asking for an accommodation for the train
24 operator exam?

25 A. Yes.

K. FRILANDO

1 Q. It says at the bottom you're requesting an ASL
2 interpreter for instructions in the test question purposes?

3 A. Uh-huh.

4 Q. Can you explain what you meant by that?

5 A. I was requesting a professional sign language
6 interpreter because I figured there were going to be
7 instructions provided before the test was administered and I
8 needed to know the -- what that meant, and I needed to know
9 what the question said. And I -- again, English is not my
10 first language, and ASL is my first language. So, I knew
11 that the English might have been confusing. There might have
12 been some words that I didn't understand. And since ASL is
13 my first and main language, I would be able to understand
14 American Sign Language.

15 Q. Was your request limited to the instructions for
16 the test?

17 MS. KARNES: Objection to the form.

18 A. Yes. It was -- the instructions were gonna -- I
19 knew were going to be very important. If I didn't have an
20 interpreter, I won't understand the basic instructions. I
21 wouldn't be able to do it.

22 Q. Now, the next page -- it refers to attached support
23 documents. Do you see that?

24 A. What page number?

25 Q. It is marked 30.

K. FRILANDO

1 MS. KARNES: Objection to form.

2 A. Because the sanitation department -- they won't
3 permit the interpreter to give me the A, B, C, D choices in
4 sign language. But the question was interpreted, and -- you
5 know -- but then all those A, B, C and D are all in English
6 words too. So, if I had it in American Sign Language, I
7 would understand the question, and I would have been --
8 understood the choices for the answers, and I would have been
9 able to pick the best answer. But they said, no, that wasn't
10 allowed. You know, so that really frustrated me, and in the
11 end, I failed the test.

12 Q. Is it your testimony that you were not able to read
13 the answer choices on the sanitation exam?

14 MS. KARNES: Objection to form.

15 A. Yes.

16 Q. Did there come a time when Transit agreed to
17 provide an ASL interpreter for the verbal and written exam
18 instructions for the jobs you applied for?

19 A. Yes, for the instructions. The instructions but
20 not for, you know, the questions or the answer options. They
21 said, you know, you recently -- "you understand English," so
22 it is kind of like they insulted me. Well, I am deaf,
23 though.

24 Q. Did Transit also agree to provide an ASL
25 interpreter for any communication between you and the test

K. FRILANDO

1 proctor?

2 MS. KARNES: Objection to form.

3 A. No. We were just e-mailing back and forth. And
4 then I said you're respons -- I said, "You're responsible to
5 hire the interpreter, and that -- that is what you need to
6 do, is hire the interpreter."7 But the thing was, you know, they needed to work it
8 out with the interpreter and approve that to allow me to take
9 the test for the instructions, have the -- that interpreted,
10 the questions and the answers, but they wouldn't approve it
11 for the second two. They only approved it -- approved it for
12 the first part, interpreting the instructions.13 Q. What do you mean that they did not approve it for
14 the second two?15 A. When I told them that I wanted the questions
16 interpreted and the answer choices interpreted. Those were
17 the two parts, and I told them many, many times. Those were
18 the two parts that's were not approved.19 Q. Did Transit offer you additional time to take the
20 examinations?21 A. Yes, they did. They should, but you know, it
22 wasn't -- I think they should have given me extra time
23 because that is what the doctor's note said. I added that
24 documentation. That's what the doctor's note said and -- but
25 they wouldn't approve it for the other two parts of it. You

K. FRILANDO

1 know. Because deaf need more time. I need to be given more
2 time to process the questions and the answers. It is easier
3 for people who can hear to process quickly. You know, ADA
4 law says you can -- supposed to an accommodations,
5 interpreter, additional time, and various action
6 accommodations like that. You know, the colleges do that.
7 Federal agencies do that. You know, it is the ADA law. It's
8 part of that.

9 Q. Did you tell Transit how much additional time you
10 needed to take the exam?

11 A. I didn't tell them, but the doctor had written the
12 note letting them know you have to give additional time. The
13 doctor didn't say, you know, how many hours, two, three
14 hours. It was just kind of a vague additional time but not a
15 specific amount of time.

16 Q. Transit -- did Transit offer you --

17 A. Now, you have to understand the doctor -- it's not
18 really his responsibility, you know, about the interpreter
19 and things like that. The doctor was only talking about, you
20 know, patients -- taking care of his patients and, you know,
21 suggesting this patient is deaf and will require, you know,
22 the test should be given with additional time. But the
23 doctor -- you know, he doesn't work for HR. He can't decide
24 all the specifics. But MTA -- they should know. They should
25 know better. They should know the ADA law. They really

K. FRILANDO

1 MS. KARNES: Objection to form.

2 A. No, just the doctor and the audiologist.

3 Q. Did there come a time when Transit attempted to
4 schedule your exams with an ASL interpreter for the written
5 instructions and additional time for the exams?

6 MS. KARNES: Objection to form.

7 A. Well, they gave me a schedule and an appointment.
8 I think he said, you know, "We are going to offer an
9 interpreter," but they never said they were going to have an
10 interpreter for the questions and the -- the answer choices.
11 They did offer to schedule an appointment with an interpreter
12 for instructions, but the questions and the answer choices
13 were not allowed. So, I decided not to take them up on that
14 offer and to contact my lawyer.

15 Q. Why did you decide not to take the exams?

16 A. Because I took the test over there with the
17 sanitation department with the interpreter doing the
18 instructions and just the questions and not the answer
19 choices, and I failed. So, I didn't want to go ahead and
20 have that same experience again if I am not going to have the
21 interpretation for the answer choices. You know? So -- I
22 mean, you know, I didn't think it would be worth it going
23 through that, so I decided to go ahead and contact my lawyer.24 Q. Do you think there was no way you could have passed
25 the exam if the written questions and answers were not

K. FRILANDO

1 Q. Did the documentation you provided to Transit show
2 an auditory range?

3 MS. KARNES: Objection to form.

4 A. I have it right here. It shows that I am pretty
5 deaf. Yeah. I don't hear much. That is the proof. I've
6 got the audiogram, which is proof that I am deaf.

7 Q. Are you referring to the audiological report that
8 you looked at earlier?

9 A. Yes.

10 Q. That document shows your range of hearing?

11 MS. KARNES: Objection to form.

12 A. Yes. I have it right there.

13 Q. Do you watch movies with closed captioning?

14 A. Yes.

15 Q. So, you read the words on the screen when you watch
16 a movie?

17 A. Yes.

18 Q. Do you read books for pleasure?

19 A. Yes. Not a lot. You know, depends on my mood. If
20 it is something that I am interested in, you know. And if I
21 don't understand a word, I can always refer to my dictionary.

22 Q. Is that an English dictionary?

23 A. Yes.

24 Q. Are you alleging that you were retaliated against?

25 A. I don't think so.

K. FRILANDO

1 Q. The document there -- it's marked Exhibit I.

2 Do you recognize that?

3 A. Yes, I have.

4 Q. Is that printout your -- at least parts of your
5 Facebook profile?

6 A. Yes.

7 Q. Okay. Is that an account that you created?

8 A. Yes, that is my account.

9 Q. Did you write the statement on the first page?

10 A. Yes, I did.

11 Q. Okay. On the last page, it lists books that you
12 like. Are those books that you have read?

13 A. They weren't books that I read entirely. Some I
14 heard were really good, stories in those books, but I didn't
15 read all of them. Some were cookbooks that I like. But I
16 don't have any books like that. I think I just have one
17 book, one -- my mom has a book. But some of them are just
18 content manner that I like to read but that I actually
19 haven't read from cover to cover.

20 Q. Have you read parts of each of these books?

21 A. My mom had several of them. One is the bible, but
22 I've only read two or three.

23 Q. Have you read parts of each of these books?

24 MS. KARNES: Objection to form.

25 A. Partially, yes.

K. FRILANDO

1 Q. Have you read any of these books entirely?

2 A. No. No, I don't really have the time. My mom
3 needs my help. I don't have a lot of time to read a book
4 like that. I try to read if I have a break, but I don't
5 really have the time.

6 Q. What's the reason that you listed these as books
7 that you like?

8 MS. KARNES: Objection to form.

9 A. I listed them because I heard that they were good
10 stories. So, I wanted to bookmark them or save the title so
11 I would be able to buy them later. Like I said, I read some
12 of the content in the book, or some of them were books that I
13 would want to buy. I think -- like I said, I bought maybe
14 one from the list, but I don't own the other books.

15 Q. Which one did you buy?

16 A. "How to Build an App" is about programming and
17 building apps. I didn't read it in it is entirety. I --
18 again, my mom needs my help, so I read portions of it
19 throughout the book.

20 Q. In your previous employment, how did you
21 communicate with your supervisors?

22 MS. KARNES: Objection to form.

23 A. Usually it was writing back and forth on paper, I
24 believe.

25 Q. Did any of your supervisors at any of your previous

K. FRILANDO

1 C E R T I F I C A T E

2

3 STATE OF NEW YORK)
4 COUNTY OF KINGS) : SS.:
5)

6 I, SORAYE MCMILLAN, a Notary Public for and within
7 the State of New York, do hereby certify:

8 That the witness whose examination is hereinbefore
9 set forth was duly sworn and that such examination is a true
10 record of the testimony given by that witness.

11 I further certify that I am not related to any of
12 the parties to this action by blood or by marriage and that I
13 am in no way interested in the outcome of this matter.

14 IN WITNESS WHEREOF, I have hereunto set my hand
15 this 21st day of March 2019.

16

17



18

— SORAYE MCMILLAN

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